REMARKS/ARGUMENTS

This Request for Reconsideration is in reply to the Final Office Action dated October 17, 2005. This Request for Reconsideration is submitted within the three-month period for reply extending to January 17, 2006. Claims 1-25 are pending in the application.

Allowable Subject Matter

The Applicant acknowledges the Office's indication that claims 13-16 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant also acknowledges the Office's indication that claims 2, 3, and 17-25 are allowed.

Rejections under 35 U.S.C. 102

Claims 1 and 4-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Lander et al. ("Lander" hereafter) (U.S. Patent No. 5,974,862). These rejections are traversed.

A claim is anticipated under 35 U.S.C. 102, only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Also, for a claim to be anticipated under 35 U.S.C. 102, the single prior art reference must disclose the elements of the claim in the same arrangement as required by the claim. The Office has asserted that Lander teaches each and every feature of independent claims 1 and 9, as required to support a respective anticipation rejection under 35 U.S.C. 102. However, for at least the reasons discussed below, the Applicant

respectfully submits that Lander does not teach each and every feature of independent claims 1 and 9.

Claim 1 recites a method for determining a physical location of a source. The method of claim 1 includes an operation for receiving an acoustic signal by at least two sensors, wherein the acoustic signal is transmitted from a transmitter device defined on a source within an acoustic monitoring area. Thus, in accordance with claim 1, the transmitter device transmits an identifiable acoustic signal from the source within the acoustic monitoring area. Then, the two sensors operate to receive the identifiable acoustic signal having been transmitted by the transmitter device.

The Office has asserted that Lander teaches the above-described feature of claim 1. More specifically, the Office asserts that a digital transceiver (44) as disclosed by Lander teaches the transmitter device of claim 1. The Office also asserts that sensor (34) as disclosed by Lander teaches the at least two sensors for receiving the acoustic signal transmission from the transmitter device, as required by claim 1. However, the functionality of the digital transceiver (44) and sensor (34) as disclosed by Lander does not teach the method operations of claim 1 as related to the transmitter device and at least two sensors.

Lander teaches that the pipeline sensors (34) are attached to a pipeline to detect vibrations within the pipeline that are indicative of a leak from the pipeline. (5:18-25) Lander teaches that a remote processor (22) receives analog signals via a cable (36) from the sensor (34) attached to the pipeline. (Fig. 4 and 5:35-43 and 5:54-55) Thus, Lander teaches that the sensor (34) sends analog signals to the remote processor (22). The remote processor (22) is disclosed by Lander as including the digital transceiver (44).

Lander teaches that remote processor (22) includes signal conditioning circuitry (40) which conditions the analog signal received from the sensor (34). (5:55-60) The

conditioned signal produced by the conditioning circuitry (40) is then input to a micro-controller (42). (5:60-61) The micro-controller (42) encodes the input and builds a data packet, including header information and the encoded data. (5:65-67) The micro-controller (42) outputs the data packet to the digital transceiver (44) for transmission to the base station (26). (5:67-6:1) Lander teaches that the digital transceiver (44) is a spread spectrum radio transmitter/receiver configured as a remote transmitting device. (6:2-4)

Thus, in accordance with the foregoing, Lander teaches that the analog signals generated by the sensor (34) are transmitted to the remote processor (22), and ultimately to the digital transceiver (44) within the remote processor (22). Then, from the digital transceiver (44), the encoded data representing the analog signals is transmitted to the base station 26.

Based on the foregoing discussion of Lander, it should be understood that the direction of signal communication is from the sensor (34) to the digital transceiver (44). In contrast to Lander, claim 1 requires receipt of an acoustic signal by at least two sensors, wherein the acoustic signal is transmitted from a transmitter device defined on a source within an acoustic monitoring area. Thus, in claim 1 the direction of acoustic signal communication is from the transmitter device to the at least two sensors. Therefore, Lander does not teach receiving the acoustic signal from the transmitter device defined on the source by at least two sensors, as required by claim 1.

Claim 9 recites a localizing system for determining a physical location of a source. The system of claim 9 includes the following features:

- a transmitter device for transmitting streams of identifiable acoustic signals, the transmitter device being defined on the source;
- at least a pair of compact sensors for detecting and capturing the streams of acoustic signals transmitted by the transmitter device.

Based on the foregoing discussion of Lander with respect to claim 1, it should be appreciated that claim 9 is also distinguished from Lander by requiring at least the pair of compact sensors for detecting and capturing the streams for acoustic signals, wherein the streams of acoustic signals are transmitted from a transmitter device defined on a source within an acoustic monitoring area. Thus, in claim 9 the direction of acoustic signal communication is from the transmitter device to the pair of compact sensors. Therefore, Lander does not teach the pair of compact sensors for detecting and capturing the streams of acoustic signals transmitted by the transmitter device, as required by claim 9.

In view of the foregoing arguments, the Applicant submits that Lander fails to teach each and every feature of independent claims 1 and 9, respectively, as required to anticipate the claims under 35 U.S.C. 102. The Applicant further submits that Lander fails to disclose the elements of independent claims 1 and 9, respectively, in the same arrangement as claimed. Thus, the Applicant submits that each of independent claims 1 and 9 is patentable over Lander. Additionally, because they ultimately depend from either claim 1 or claim 9, and incorporate each and every feature of their independent claim, the Applicant submits that each of dependent claims 4-8 and 10-12 is patentable for at least the same reasons provided for its respective independent claim.

In view of the foregoing, the Applicant respectfully requests the Office to withdraw the rejections of claims 1 and 4-12. Also, the Applicant respectfully submits that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Request for Reconsideration, the Examiner is kindly requested to contact the undersigned at (408) 774-6914. If any additional fees are due in connection with filing this Request for Reconsideration, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP242). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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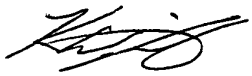

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